

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 FEA-01 AGR-05 CEA-01 CIAE-00 COME-00

DODE-00 EB-07 FRB-03 H-02 INR-07 INT-05 L-02 LAB-04

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E.O. 11652: NA

TAGS: ETRD, EEC, XA, XL, XM

SUBJECT: GATT HANDLING OF THE LOME CONVENTION

REF: EC BRUSSELS 4271

1. ON MAY 22ND PHAN VAN PHI, COMMISSION DIRECTOR FOR GATT AFFAIRS, FURNISHED THE MISSION INFORMALLY THE TEXT OF THE PROPOSED EC LETTER TO THE DIRECTOR GENERAL OF THE GATT ON NOTIFICATION OF THE LOME CONVENTION (REFTEL). HE SAID THAT THE TEXT HAD BEEN AGREED IN THE COMMISSION BY SOAMES, GUNDELACH AND CHEYSSON AND THAT THE MEMBER STATES WOULD BE DISCUSSING IT ON MAY 23 (BOTH IN THE ACP GROUP AND THE ARTICLE 113 COMMITTEE CONTEXTS). THE DOCUMENT WILL BE SUBMITTED UNOFFICIALLY TO THE ACP SECRETARIAT SHORTLY BUT THE FULL VIEWS OF THE ACPS WILL NOT BE SOUGHT UNTIL AFTER THE MEMBER STATES HAVE MADE THEIR POSITIONS CLEAR. PHAN VAN PHI REFERRED TO HIJZEN'S PREVIOUS REMARKS (PARA 4, REFTEL) AND ASKED THAT WE KEEP THE DOCUMENT WITHIN THE U.S. GOVERNMENT AND NOT SHOW IT TO OTHER COUNTRIES, OTHERWISE THE COMMISSION WOULD BE HIGHLY EMBARRASSED. PHAN VAN
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PHI DOUBTED THAT THE MAY 23 DISCUSSIONS WITH THE MEMBER STATES

WOULD BE CONCLUSIVE. HE ASSUMED THAT THE MATTER WOULD HAVE TO GO TO THE COREPER. HE SAID THAT IF THE US HAD ANY COMMENTS IT WOULD BE HELPFUL IF THEY COULD BE MADE AS SOON AS POSSIBLE. HIS OWN ESTIMATE, HOWEVER, WAS THAT THE DOCUMENT WAS UNLIKELY TO BE FINALIZED IN LESS THAN THREE WEEKS. THE COMMISSION DOES, HOWEVER, WISH TO SEND THE LETTER BEFORE JULY 1.

2. FOLLOWING IS AN INFORMAL MISSION TRANSLATION OF THE FRENCH TEXT OF THE EC LETTER, WHICH WOULD BE ACCOMPANIED BY THE TEXT OF THE LOME CONVENTION.

BEGIN TRANSLATION

DEAR MR. DIRECTOR GENERAL: I HAVE THE HONOR TO DELIVER TO YOU FOR THE ATTENTION OF THE CONTRACTING PARTIES THE ATTACHED TEXT OF THE CONVENTION SIGNED AT LOME (TOGO) THE 28TH OF FEBRUARY, 1975, BETWEEN THE EUROPEAN COMMUNITIES, THEIR MEMBER STATES AND 46 NATIONS OF AFRICA, THE CARIBBEAN AND THE PACIFIC, ABOUT WHICH THE COUNCIL WAS INFORMED IN ITS MEETING OF THE 24TH OF MARCH.

I WISH TO REMIND YOU IN THIS REGARD, AS WAS STATED ON THE 24TH OF MARCH, THAT THE COMMUNICATION OF THIS TEXT IS BEING MADE, ON GROUNDS OF COURTESY FOR THE CONTRACTING PARTIES AND OF EFFICIENCY, BEFORE THE COMPLETION OF THE NATIONAL RATIFICATION PROCEDURES OR THE PROCEDURES TO ESTABLISH THE JURIDICAL VALIDITY AND EXISTENCE OF THE CONVENTION. NEVERTHELESS AS THE REPRESENTATIVE OF THE COMMUNITIES DECLARED AT THAT TIME, THE PARTIES OF THE CONVENTION WILL PUT INTO EFFECT ITS COMMERCIAL PROVISIONS AS OF THE FIRST OF JULY 1975.

REFERRING EQUALLY TO THE DECLARATION MADE TO THE COUNCIL ON THE 24TH OF MARCH BY THE REPRESENTATIVE OF THE COMMUNITY, I RECALL THAT THE COMMUNITY IS OF THE OPINION THAT THE LOME CONVENTION ESTABLISHES A NEW MODEL OF ECONOMIC COOPERATION IN GENERAL AND OF COMMERCIAL RELATIONS IN PARTICULAR BETWEEN DEVELOPED COUNTRIES AND DEVELOPING COUNTRIES BETWEEN WHOM EXISTS A LONG HISTORICAL BASE OF SPECIAL AND PRIVILEGED RELATION, THE VALIDITY AND TIMELESSNESS OF WHICH HAVE BEEN EXPLICITLY RECOGNIZED BY THE GENERAL AGREEMENT.

THE COMMERCIAL SYSTEM WHICH THE LOME CONVENTION PUTS INTO PLACE REPLACES THOSE WHICH EXISTED BETWEEN THE EUROPE OF SIX AND ONE SECTION OF THE ACP COUNTRIES ON THE ONE HAND AND BETWEEN THE LIMITED OFFICIAL USE

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UNITED KINGDOM AND IRELAND AND THE OTHER ACP STATES ON THE OTHER HAND.

IT REPRESENTS THE ADAPTATION, UNDER THE FORM OF A COMMON SYSTEM COMPATIBLE WITH THE NORMAL FUNCTION OF THE CUSTOMS UNION INSTITUTED BETWEEN THE NINE MEMBER STATES OF THE COMMUNITY, OF DIFFERENT SYSTEMS WHICH THE LATTER RESPECTIVELY APPLIED TO PARTICULAR ACPs.

IN THIS NEW CONVENTION THE EEC IS OBSERVING THE OBLIGATION

OF ELIMINATING CUSTOMS DUTIES AND OTHER RESTRICTIVE COMMERCIAL REGULATIONS AFFECTING THE BULK OF ITS COMMERCIAL EXCHANGES WITH THE ACPS.

MINDFUL OF ITS PARTNERS' DEVELOPMENT NEEDS AND OF THE PRINCIPLES ENUNCIATED IN PART FOUR OF THE GENERAL AGREEMENT, THE COMMUNITY HAS NOT DEMANDED RECIPROCITY IN ITS TRADE WITH THE ACP STATES. THE TOTALITY OF THE PROVISIONS OF THE LOME CONVENTION, AND NOTABLY CERTAIN OF ITS INNOVATIONS SUCH AS THE STABILIZATION OF EXPORT RECEIPTS, REFLECTS THE WILL OF THE EEC TO CONTRIBUTE TO THE DEVELOPMENT EFFORT OF THE ACP STATES IN CONFORMITY WITH THE ASPIRATIONS OF THE INTERNATIONAL COMMUNITY FOR A MORE JUST AND MORE BALANCED ECONOMIC ORDER.

THE COMMUNITY IS THUS CONVINCED THAT, WHILE INNOVATIVE, IT REMAINS FUNDAMENTALLY IN CONFORMITY WITH THE OBJECTIVES WHICH RULE AND MOTIVATE THE GATT AND THE ACTION OF THE CONTRACTING PARTIES AND DOES NOT REQUIRE A DEROGATION FROM ITS PROVISIONS. IT ASKS CONSEQUENTLY THAT THIS CONVENTION BE EXAMINED ON ITS OWN MERITS, SUCH AS THEY ARE, IN THE LIGHT OF THE WHOLE OF THE OBJECTIVES OF THE GENERAL AGEEMENT.

THE EEC IS READY TO LEND ITS UTMOST COOPERATION TO THIS EXAMINATION, WHICH IT REQUESTS ALL ITS PARTNERS IN THE GATT TO COMMENCE IN THE SAME OPEN SPIRIT, AND IT IS OF THE OPINION THAT SUCH AN APPROACH CAN IN GENERAL BE A FACTOR OF PROGRESS IN INTERNATIONAL ECONOMIC RELATIONS. (COMPLIMENTARY CLOSE) SIGNED CHIEF OF THE EEC DELEGATION. END TRANSLATION. GREENWALD

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